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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR 14-71256 MAG
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED] ORDER
16 SERGIO VARGAS,) CONTINUING ARRAIGNMENT AND
17 Defendant.) EXCLUDING TIME UNDER FEDERAL RULE OF
18) CRIMINAL PROCEDURE 5.1 AND THE SPEEDY
19) TRIAL ACT
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20 The undersigned parties respectfully request that the arraignment scheduled for December 10, 2014
be continued to January 29, 2015. The defendant resides in Woodland, California, and the parties are
exploring the possibility of a Rule 20 transfer to the Eastern District of California. In order for the case
to be transferred, the defendant must agree to enter a guilty plea and the United States Attorney for the
Eastern District of California must accept the case. Therefore, the parties need time to explore a pre-
indictment resolution of the case, and obtain the consent of the United States Attorney in the Eastern
District of California to transfer the case. The parties also request an exclusion under Rule 5(c) and (d)
of the Federal Rules of Criminal Procedure and the Speedy Trial Act. The parties agree and stipulate that
an exclusion of time under both Rule 5.1 and the Speedy Trial Act from December 10, 2014 to January

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1 29, 2015 is appropriate based on the parties need to determine if the case can be resolved. In addition,
2 AFPD Beevers needs time to review the discovery, conduct his investigation, and consult with the
3 defendant. 18 U.S.C. §§ 3161(b) and 3161(h)(7)(B)(iv).

4 SO STIPULATED:

5 DATED: December 9, 2014

MELINDA HAAG
United States Attorney

/s/
SUSAN KNIGHT
Assistant United States Attorney

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7 DATED: December 9, 2014

8 /s/
9 DOUGLAS J. BEEVERS
10 Assistant Federal Public Defender
11 Counsel for Mr. Vargas

12
13 **ORDER**

14 Accordingly, for good cause shown, the Court HEREBY ORDERS that the arraignment scheduled
15 for December 10, 2015 is continued to January 29, 2015 at 9:30 a.m.

16 The Court FURTHER ORDERS time be excluded under Rule 5.1(c) and (d) in order for the parties
17 to explore a pre-indictment resolution. The Court also excludes time under the Speedy Trial Act from
18 December 10, 2014 through January 29, 2015. The Court finds, based on the aforementioned reasons,
19 that the ends of justice served by granting the requested continuance outweigh the best interest of the
20 public and the defendant in a speedy trial. The failure to grant the requested continuance would deny
21 defense counsel reasonable time necessary for effective preparation, taking into account the exercise of
22 due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this
23 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

24 SO ORDERED.

25 DATED: 12/9/14

26 
27 HON. KANDIS A. WESTMORE
28 United States Magistrate Judge